

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Applicant(s): William OGILVIE</p> <p>Serial No.: 10/552,951</p> <p>Filed: June 22, 2006</p> <p>Title: INTERPOSITIONAL BIARTICULAR DISK IMPLANT</p> <p>Group Art Unit: 3774</p> <p>Examiner: Joshua H. Levine</p> <p>Confirmation No. 6894</p> <p>Attorney Docket No.: 81723/5865</p>	<p>Certificate of Transmission/Mailing</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO, transmitted via the Office electronic filing system, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; border: none;"><u>January 7, 2010</u></td><td style="width: 50%; border: none;"><u>/James J. Schumann/</u></td></tr><tr><td style="border: none;">Date</td><td style="border: none;">James J. Schumann</td></tr><tr><td style="border: none;"></td><td style="border: none;">Registration No. 20,856</td></tr><tr><td style="border: none;"></td><td style="border: none;">Attorney for Applicant(s)</td></tr></table>	<u>January 7, 2010</u>	<u>/James J. Schumann/</u>	Date	James J. Schumann		Registration No. 20,856		Attorney for Applicant(s)
<u>January 7, 2010</u>	<u>/James J. Schumann/</u>								
Date	James J. Schumann								
	Registration No. 20,856								
	Attorney for Applicant(s)								

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST

Dear Sir:

It is requested that the finality of the rejection set forth in the Office Action mailed December 28, 2009 in the above-identified application be reconsidered and withdrawn. The rejection of the majority of the claims in this application is based upon the disclosure of U.S. Patent No. 4,055,862 to Farling and/or the disclosure of U.S. Patent No 5,743,918 to Calandruccio. It is not believed that either of these two references was ever applied and/or cited in the prosecution of this application.

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It is requested that a Notice of References Cited (PTO Form 892) be issued listing these references and that the rejection be made non-final.

Date: January 7, 2010

Respectfully submitted,

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

FITCH, EVEN, TABIN & FLANNERY

Direct telephone inquiries to:
James J. Schumann
(858) 552-1311
San Diego, California Office of
FITCH, EVEN, TABIN & FLANNERY

/James J. Schumann/
James J. Schumann
Attorney for Applicant(s)
Reg. No. 20,856